MAR 17 2008
PATENT & TRADEMARK OFFICE

PTO/SB/61 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) 2874 (203-3510)

First Named Inventor: Scott Cunningham
Art Unit: 3734
Application Number: 10/677,208
Examiner: Gettman, Christina Danielle
Filed: October 2, 2003
Title: SHARPOINT NEEDLE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:
(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee $_____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 510.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____.

☑ is enclosed herewith.

B The issue fee of $ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

03/18/2008 CNEGA1 00000032 210550 10677208
01 FC:1452 510.00 DA

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Joseph W. Schmidt
Signature

March 14, 2008
Date

Joseph W. Schmidt
Typed or printed name

36,920
Registration Number, if applicable

Carter, DeLuca, Farrell & Schmidt, LLP
Address

(631) 501-5700
Telephone Number

445 Broad Hollow Road, Suite 225, Melville, New York 11747
Address

Enclosure
☑ Fee Payment
☑ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unavoidable delay
☑ Copies of Amendment, Amendment Transmittal, Petition for Extension of Time, and return receipt postcard

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☑ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

March 14, 2008
Date

Joseph W. Schmidt
Signature

Joseph W. Schmidt
Typed or printed name of person signing certificate

PTO/SB/61 (01-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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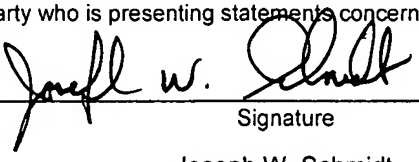
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature — March 14, 2008 (Date)

Joseph W. Schmidt (Typed or printed name) — 36,920 (Registration Number, if applicable)

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Please see attached Reply to Notice of Abandonment.

(Please attach additional sheets if additional space is needed.)

COPY

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal (in triplicate)
2. Petition for 2 month Extension of Time (in triplicate)
3. Amendment
4. Five (5) Replacement Sheets of Drawings
5. Auth. to charge $460.00 and $150.00 to Deposit Acct. No. 21-0550
6. Certificate of Mailing

Applicant: Scott Cunningham
Serial No.: 10/667,208
Filed: October 2, 2003
For: SHARPOINT NEEDLE
Docket: 2874 (203-3510)
Dated: January 9, 2008

JWS/AB/dag

OIPE MAR 17 2008 PATENT & TRADEMARK OFFICE

Atty. Docket: 203-3510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Scott Cunningham	**EXAMINER:**	Christina D. Gettman
SERIAL NO.:	10/677,208	**GROUP UNIT:**	3734
FILED:	October 2, 2003	**DATED:**	March 14, 2008
FOR:	SHARPOINT NEEDLE		

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NOTICE OF ABANDONMENT

Sir:

In response to the Notice of Abandonment mailed February 14, 2008, the Applicant herewith submits a Petition for Revival of an Application Abandoned Unavoidably under 37 C.F.R. § 1.137(a) and the fee required under 37 C.F.R. § 1.17(l). Applicant hereby states the entire delay in filing the required response from the due date for the reply until the filing of this Petition was unavoidable.

The Notice of Abandonment states that no reply has been received for the Office letter mailed on August 9, 2007. Applicant respectfully submits that an Amendment was filed with a Certificate of Mailing on January 9, 2008. Receipt of the response was acknowledged by the Office on January 11, 2008 by way of return post card. The serial number, however, on all submitted documents were reversed due to a clerical error. The clerical error is the sole cause of

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 14, 2008.

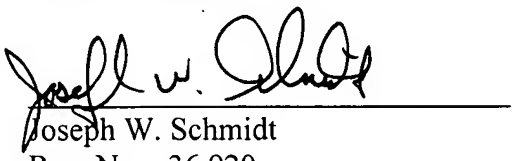
Dated: March 14, 2008

Joseph W. Schmidt

the delay, despite due care taken to make the reply on time. All other identifying information and the content of all documents are correctly made. Copies of the Amendment, Amendment Transmittal Form, and Petition for Extension of Time mailed on January 9, 2008 and a copy of the acknowledgement receipt postcard stamped by the Office on January 11, 2008 are enclosed.

Please charge Deposit Account No. 21-0550 in the amount of $510.00 for payment of the Petition Fee required under 37 CFR1.17(l).

Respectfully submitted,



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